

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOSEPH PUCKETT, ) 1: 05-CV-00447-REC-SMS  
Plaintiff, )  
v. ) ORDER ADOPTING FINDINGS AND  
JUDGE JONES, et al., ) RECOMMENDATIONS TO DISMISS ACTION  
Defendants. ) WITH PREJUDICE FOR FAILURE TO  
 ) STATE A CLAIM UPON WHICH RELIEF  
 ) MAY BE GRANTED (DOC. 11)  
 )  
 ) ORDER DISMISSING THE ACTION AND  
 ) DIRECTING THE CLERK ENTER  
 ) JUDGMENT FOR DEFENDANTS

Plaintiff is proceeding pro se with this action; when the initial complaint was filed, Plaintiff was a federal prisoner. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On May 27, 2005, the Court filed findings and a recommendation to dismiss the action with prejudice for Plaintiff's failure to state a claim upon which relief should be granted. The findings and recommendation were served on Plaintiff by mail on the same date and contained notice that any objections to the findings and recommendations were to be filed within thirty (30) days of the date of service of the order. On June 6, 2005, the findings and recommendation were returned with the

1 notation that Plaintiff was out of custody. The findings and  
2 recommendation were reserved on June 9, 2005, on Plaintiff at the  
3 out-of-custody address listed on the docket. On June 17, 2005,  
4 Plaintiff requested an extension of time to file objections; a  
5 thirty-day extension of time was granted on June 24, 2005, and  
6 the order granting the extension was served on the same date.  
7 Thirty days after the date of service of the order have passed,  
8 and no party has filed any objections.

9 In accordance with the provisions of 28 U.S.C. § 636  
10 (b) (1) (C) and Britt v. Simi Valley United School Dist., 708 F.2d  
11 452, 454 (9<sup>th</sup> Cir. 1983), this Court has conducted a *de novo*  
12 review of the case. Having carefully reviewed the entire file,  
13 the Court finds that the report and recommendation are supported  
14 by the record and proper analysis.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. The findings and recommendation filed May 27, 2005, are  
17 ADOPTED IN FULL; and

18 2. The action IS DISMISSED with prejudice for failure to  
19 state a claim upon which relief may be granted; and

20 3. The Clerk of Court IS DIRECTED to enter judgment for  
21 defendants.

22 IT IS SO ORDERED.

23 **Dated: August 3, 2005**  
24 668554

**/s/ Robert E. Coyle**  
UNITED STATES DISTRICT JUDGE